

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN**

CHANTELL HENNINGS Plaintiff,  v.  RECEIVABLES PERFORMANCE MANAGEMENT, L.L.C. Defendant.	Case No. Hon.  <b><u>COMPLAINT AND JURY DEMAND</u></b>
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**COMPLAINT AND JURY DEMAND**

**JURISDICTION**

1. Jurisdiction of this Court arises pursuant to 15 U.S.C. § 1692k(d).
2. This action arises out of Defendants' violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA").
3. Venue is proper because the acts and transactions occurred here, Plaintiff resides here, and Defendant transacts business here.

**PARTIES**

4. Plaintiff, Chantell Hennings, is a natural person who resides in the Flint, County of Genesee, State of Michigan, and is a "consumer" as that term is defined by 15 U.S.C. § 1692a(3).
5. Defendant Receivables Performance Management, L.L.C. (hereinafter "Defendant") is a "debt collector" as that term is defined by 15 U.S.C. § 1692a(6).

**FACTUAL ALLEGATIONS**

6. On information and belief, Plaintiff incurred a financial obligation that was primarily for personal, family or household purposes based upon a debt to Directv

television services that went into default and is therefore a “debt” as that term is defined by 15 U.S.C. § 1692a(5).

7. On information and belief, the Plaintiff’s alleged debt was consigned, placed or otherwise transferred to Defendant for collection from Plaintiff.
8. Plaintiff has a legitimate expectation that Defendant follow applicable law.

#### VIOLATIONS

9. Within the last year, Plaintiff made a phone call to Defendant attempting to resolve the debt that was incurred to Directv.
10. When Plaintiff made the call, she called from her daughter’s friend’s cell phone.
11. Plaintiff did not provide Defendant the phone number that she was calling from or otherwise authorize a callback to that number.
12. Plaintiff did not provide any consent to Defendant to call that number or to discuss the debt with anyone at that number.
13. Sometime later, for unknown reasons, Defendant called the number back and without first determining whether Plaintiff was the one receiving the call, immediately began attempting to collect the debt from Plaintiff’s daughters’ friend.
14. In the process of attempting to collect the debt, Defendant revealed private information concerning the debt to Plaintiff’s daughters’ friend.
15. When Plaintiff’s daughters’ friend disputed that she owed any debt, Defendant then said, “Well I guess we have the wrong Chantell Hennings”.
16. By making the above statements, Defendant revealed that Plaintiff had incurred a debt to Defendant.

DAMAGES

17. The acts of Defendant caused Plaintiff embarrassment and humiliation that others know about what is essentially a private matter.

**CAUSES OF ACTION**

**COUNT I.**

**VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT**

**1. U.S.C. § 1692 et seq.**

18. Plaintiff incorporates by reference all paragraphs of this Complaint as though fully stated herein.

19. The person that Defendant called and talked to about Plaintiff's debt was not a third-party authorized to receive information by operation of law under 15 U.S.C. 1692.

20. Defendant violated 15 U.S.C. 1692c (b) because it discussed the existence of and details about a debt with an unauthorized third-party without the prior consent of Plaintiff given directly to Defendant.

21. As a result of Defendant's violations of the FDCPA, Plaintiff is entitled to actual damages, statutory damages in an amount up to \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and, reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3) from each and every Defendant herein.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff prays that judgment be entered against Defendant.

**TRIAL BY JURY**

22. Plaintiff is entitled to and hereby respectfully demands a trial by jury. US Const. Amend. 7. Fed.R.Civ.P. 38.

**COUNT I**  
**VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT**  
**15 U.S.C. § 1692 et seq.**

- for an award of actual damages pursuant to 15 U.S.C. §1692k(a)(2)(A) against Defendant and for Plaintiff;
- for an award of statutory damages of \$1,000.00 pursuant to 15 U.S.C. §1692k(a)(2)(A) against Defendant and for Plaintiff;
- for an award of costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k(a)(3) against each and every Defendant and for Plaintiff;
- for such other and further relief as may be just and proper.

Dated: June 3, 2013

Respectfully submitted,  
*/s/ Andrew L. Campbell*

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